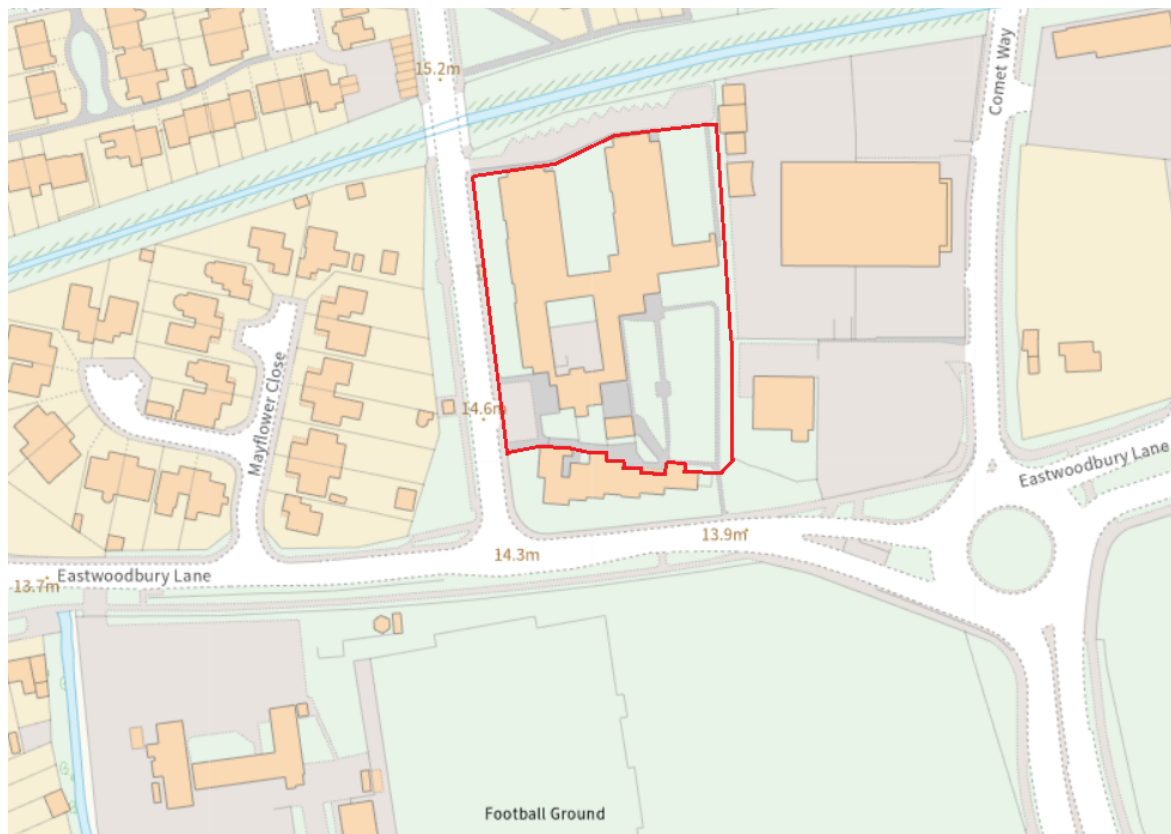


Reference:	23/01329/BC3	
Application Type:	Borough Council Regulation 3	
Ward:	St Laurence	
Proposal:	Install 6no. prefabricated mobility scooter stores within rear garden	
Address:	Bishop House, 40 Western Approaches, Eastwood	
Applicant:	Mr Kevin Auger	
Agent:	Miss Elizabeth Williams of Calfordseaden LLP	
Consultation Expiry:	21st December 2023	
Expiry Date:	2 nd February 2024	
Case Officer:	Hayley Thompson	
Plan Nos:	Location plan, PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Unit Dimensions; PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Foundation Pads; PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Foundation Slab, C 18-01 Revision A, C 18-02 Revision A	
Supporting Documents:	Design and Access Statement Revision B, metroSTOR specification, Flood Risk Assessment	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 This application site is on the north side of Eastwoodbury Lane and east side of Western Approaches. It is occupied by a retirement housing complex which is operated by South Essex Homes. The main frontage of the building is along Western Approaches and the main car park is also on this side of the site.
- 1.2 The site is within Flood Zone 2. The site is not within a conservation area or subject to any other site-specific planning policies.

2 The Proposal

- 2.1 The application seeks planning permission to install two mobility scooter stores, each containing 3 storage units (for 6 scooters in total), located to the side of a pathway in a communal garden on the western side of the site. The stores would be constructed on a concrete foundation slab. The proposed stores each measure a maximum of 2.03m high, 3.6m wide and 1.8 deep and, together, 7.2m wide. The steel stores are proposed to be finished externally in grey cladding. The units would include charging facilities.
- 2.2 During the course of the application, revised plans were submitted to relocate the scooter stores from an internal courtyard area used as a community garden.
- 2.3 A flood risk assessment has been submitted in support of the application.

3 Relevant Planning History

- 3.1 10/00838/BC3 - Install replacement windows and doors - Granted.

4 Representation Summary

Public Consultation

- 4.1 109 neighbouring properties were initially consulted by letter and a site notice was displayed. Representation from 1 interested party was received together with a joint petition signed by 41 residents which raised the following objections:

- Concerns raised about the location in the courtyard which is used as a community garden including a loss of light and loss of access
- The scooters are a beneficial but should be situated in a different location
- Outlook for residents would be changed
- No consultation from South Essex Homes with residents prior to submission
- Doors in the main building fall short of building regulations sizes

[Officer Comment: The above comments were submitted in response to the proposal as initially submitted and the scooter stores have since been relocated within the site.]

- 4.2 109 neighbouring properties were later re-consulted by letter and a site notice was displayed. One representation was received raising no objections. Representation from 14 interested parties was received raising the following summarised objections:

- The location of the stores imposes the structure on residents and would impact the enjoyment of the communal gardens.
- A revised location should be considered.

[Officer Comment: All relevant and material planning considerations have been assessed within the appraisal section of the report. The points of objection are not found to justify refusing planning permission in the circumstances of this case.]

Highways

4.3 No objections raised.

Cadent

4.4 No objections raised.

Essex Fire and Rescue

4.5 No objections raised.

LLFA

4.6 No objections raised.

5 Procedural Matters

5.1 As the application is on behalf of the Council, and there has been neighbour objection, the application is required to be decided by the Development Control Committee in accordance with the Council's Constitution.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (PPG) (2023)

6.3 National Design Guide (NDG) (2021)

6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure)

6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)

6.6 Southend-on-Sea Design and Townscape Guide (2009)

6.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

7 Planning Considerations

7.1 The main considerations in relation to this application are the principle of the development, the design and impact of the development on the character and appearance of the area, residential amenity, parking implications, and CIL liability.

8 Appraisal

Principle of Development

- 8.1 There is presently no dedicated mobility scooter storage provision at Bishop House. The proposed development would improve facilities for this residential building and would support those of its residents who have mobility needs. Alterations and provision of improved facilities for existing uses are acceptable in principle. Core Strategy and Development Management Policies generally support proposals which improve accessibility.
- 8.2 Policy KP1 states that all development proposals within identified flood risk zones 'shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk'. It states that 'development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options'.
- 8.3 The site is within Flood Zone 2 and a Flood Risk Assessment has been submitted with this application. The proposal is considered acceptable and policy compliant in terms of flood risk impacts and the LLFA has confirmed no objection.
- 8.4 On this basis, and subject to other material planning considerations discussed below, the principle of the development is acceptable and policy compliant

Design and Impact on the Character of the Area

- 8.5 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.6 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.
- 8.7 The proposed stores would be located within the west/rear of the site in a grassed area used as a community garden which is screened from wider public views. Whilst functional in appearance, the stores are not considered to appear out of character or to detract from the appearance of the application building or its setting to a significantly harmful extent. As such, the character and appearance of the existing buildings, the street scene and wider area would be maintained to an acceptable degree.
- 8.8 It is considered that the design, size, siting and scale of the development proposed are such that it would not significantly harm the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its visual impact.

Amenity Impacts

- 8.9 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

- 8.10 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 8.11 The communal residential use of this development generates a degree of noise and activity with residents’ comings and goings. As amended during the course of this application, the stores would now be located on a path that is a minimum 10.5m from the nearest habitable room windows within the complex and is no longer proposed within the complex’s central courtyard garden. It is considered that the proposal would not significantly harm the amenity of the residents of Bishop House in terms of noise and disturbance, or loss of outlook, nor would it harm the amenity of any other nearby residents in any relevant regard due to the separation distances involved. Third party representations oppose the development primarily because they consider that the storage facility should not be put in the complex’s communal garden areas. The stores will impact on the open character of the garden but a generous area of communal amenity space would be retained. No significant amenity harm for the complex’s residents has been identified during the assessment of this revised location within the site, which must be considered on its individual merits. As the location of these stores within this residential complex is otherwise primarily a matter for the site’s own management, any remaining concerns in the above regards are not considered to justify refusing planning permission in the circumstances of this case.
- 8.12 It is considered that the design, size, siting and scale of the development proposed are such that it would not significantly harm the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation

- 8.13 The proposed development is not found to result in any significant parking or highways impacts and Council’s Highways Officers have raised no objection. It is therefore acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 8.14 As the development does not create more than 100m² of floorspace and does not involve the creation of a new dwelling (Class C3), the proposal benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 8.15 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 8.16 Equality duties require public authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. Based on the submitted information, the proposal would result in potential benefits to the community that occupies the site.

- 8.17 Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 8.18 Having taken all material planning considerations into account, it is found that the development is acceptable and in line with the objectives of the relevant local and national policies and guidance. This application is, therefore, recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of the decision.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development hereby approved shall be carried out in accordance with the approved plans and details: Location plan, PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Unit Dimensions; PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Foundation Pads; PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Foundation Slab, C 18-01 Revision A, C 18-02 Revision A.**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.**
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party**

responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.